

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

CASE NO: _____

AUTO-OWNERS INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	
v.)	DEFENDANT KOMATSU AMERICA
)	CORP.'S ANSWERS TO LOCAL RULE
)	26.01 DSC INTERROGATORIES
KOMATSU AMERICA CORP.)	
)	
Defendants.)	

Defendant Komatsu America Corp. ("Komatsu"), by and through counsel, answers the Local Rule 26.01 DSC Interrogatories as follows:

A State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

ANSWER: Not applicable to this defendant.

B As to each claim, state whether it should be tried jury or non-jury award and why.

ANSWER: Komatsu does not seek a trial by jury on any claims asserted by any party.

C State whether the party submitting these responses is a publicly owned company and separately identify:

1. each publicly owned company of which it is a parent, subsidiary, partner, or affiliate:
2. each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and

3. each publicly owned company in which the party owns ten percent or more of the outstanding shares.

ANSWER: Komatsu is a private company, 100% owned by Komatsu Ltd., which is a publicly owned company. Komatsu does not own ten percent or more of any publicly owned company.

D State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). See Local Civil Rule 3.01

ANSWER: Komatsu does not assert any challenge to the appropriateness of the division.

E Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide:

1. a short caption and the full case number of the related action;
2. an explanation of how the matters are related; and
3. a statement of the status of the relation action. Counsel should disclose any cases which may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical transactions, happenings, or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

ANSWER: Komatsu is not aware of any other related matters, civil or criminal, filed in the District of South Carolina.

F If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

ANSWER: The Defendant is properly identified

G If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

ANSWER: Komatsu does not make such contention.

This the 29th day of March, 2007.

HUNTON & WILLIAMS, LLP

By: /s/ Frank W. Gibbes

Frank W. Gibbes (Fed. Bar No. 7719)
(fgibbes@hunton.com)
Bank of America Plaza
Suite 3500
101 South Tryon Street
Charlotte, North Carolina 28280
(704) 378-4700 - telephone
(704) 378-4860 - facsimile

Steven B. Epstein (N.C. Bar No. 17396)*
(sepstein@hunton.com)
Hunton & Williams LLP
P.O. Box 109
Raleigh, North Carolina 27607
(919) 899-3000
(919) 833-6352 (facsimile)
Attorneys for Defendant Komatsu America Corp.

*Seeking admission *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **DEFENDANT KOMATSU AMERICA CORP.'S ANSWERS TO LOCAL RULE 26.01 DSC INTERROGATORIES** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

N. Heyward Clarkson, III, Esq.
Clarkson, Walsh, Rheny & Terrell, P.A.
1164 Woodruff Road
P.O. Box 6728
Greenville, SC 29606
Attorneys for Plaintiff

This 29th day of March, 2007.

/s/ Frank W. Gibbes